

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58141 of 2023

Arising Out of PS. Case No.-56 Year-2020 Thana- FOREST (GOVERNMENT OFFICIAL)
District- Gaya

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Sulekha Kumari W/O Abhyanand Kumar R/O Village- Sabhima, Ps.
Athmalgola, Dist. Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyanka Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Forest Case No. 56 of 2020 dated 07.07.2020, instituted for the offence punishable under Sections 33(1)(b)(c) and 63 of the Indian Forest (Bihar Amendment) Act, 1989 and Section 2 of the Forest Conservation Act, 1980.

3. The prosecution case, in short, is that construction of Petrol Pump was going on in a land bearing Plot No. 1568 and 1608 under Khata no. 870 without taking No Objection Certificate, while the land was notified reserve forest land. The construction was found as filling the mud on a land that was 98 meter in length, 9.70 meter in width and 0.50 meter in depth. It



was also found that by doing such construction there was encroachment into forest land.

4. Learned counsel for the petitioner submits that the petitioner is innocent and she has been falsely implicated in this case. It is further submitted that No Objection Certificate was issued on 19.06.2020 by the District Magistrate for opening of petrol pump over Plot No. 1568 and 1608 under Khata no. 870. It is further stated that petitioner being a lady of deprived class was allotted petrol pump. After undergoing prolonged trauma, the District Magistrate, Gaya granted no objection certificate. The NOC fully testifies the same. Learned counsel further submits that No Objection Certificate was revoked *vide* letter no. 1154 on 07.07.2020. The letter was not served on the petitioner on 07.07.2020. It was revoked without any notice or information and show cause to the petitioner. On the basis of reversal of NOC, the said F.I.R. was lodged. It is submitted that the allegations do not constitute any offence under Section 33(a) (c) and 63 of the Indian Forest Act. It is next submitted that petitioner has done work on the basis of NOC issued by the District Magistrate of the district. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of



the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Forest Case No. 56 of 2020, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M, Gaya, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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